IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 6621 of 2004

Between:

1 T. Virupakshi Reddy, S/o Rami Reddy,
R/o Vagaruru (V) Mantralayam (M), Kurnool District

2 Kurva Lasumma, W/o Late Chinna Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

3 Kurva Ranga Swamy, S/o K. Narsanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

4 Kurva Kanthanna, S/o K. Narsanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

5 Kurva Nagendrappa, S/o Gajji Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

6 Kurva Eshwarappa, S/o Achalappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

7 Kurva Nagamma, W/o late Chinna Seravaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

8 Kurva Vasappa, S/o late Dubba Ningappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

9 Boya Gujja Gowramma, W/o late Guijala Rogenna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

10 Kurva Thikkanna, S/o Kurva Ayyanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

11 Kurva Naganna, S/o Pedda Seravaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

12 Kurva Sannaiah, S/o Pedda Seravaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

13 Kurva Peesalinganna, S/o Narsappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

14 Kurva Thikkanna, S/o Bajarappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

15 Kurva Naganna, S/o Budda Ayyappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

16 Kurva Dastagiri, S/o Budda Ayyappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

17 Kurva Naganna, S/o Veeranagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

18 Kurva Venkatesham, S/o Karraiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

19 Kurva Srinivasulu, S/o Karraiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

20 Kurva Sivanna, S/o Karraiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

21 Kurva Ramudu, S/o Karraiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

22 Kurva Naganna, S/o Pedda Ramanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

23 Kurva Chinna Naganna, S/o Ramanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

24 Kurva Ramanjaneyulu, S/o Bedesabh

R/o Vagaruru (V) Mantralayam (M), Kurnool District

25 Gujja Rogenna, S/o G. Eeranna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

26 Kurva Ramalamma, W/o Late Lasumanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

27 Syedsha Peera Kadri, S/o Nooruddin Khadri
R/o Vagaruru (V) Mantralayam (M), Kurnool District

28 Kurva Yellappa, S/o Chinna Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

29 Kurva Nigamma, S/o Pedda Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

30 Kurva Naganna, S/o Late Chinna Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

31 Kurva Yerranna, S/o Chinna Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

32 Kurva Mallesu, S/o Chinna Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

33 Kurva Sivalingamma, S/o Late Narsanna,
R/o Vagaruru (V) Mantralayam (M), Kurnool District

34 Kurva Narsanna, S/o Achari Ayyanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

35 Kurva Omkari, S/o Late Budda Ningappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

36 Kurva Hussaini, S/o Budda Ningappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

37 Kurva Rama Lingappa, S/o Mitta Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

38 B. Darmaiah, S/o Narayanappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

39 B. Pakkiramma, W/o Late Chinna Viru Kundappa,
R/o Vagaruru (V) Mantralayam (M), Kurnool District

40 Kurva Sannaiah, S/o Nagi Reddy
R/o Vagaruru (V) Mantralayam (M), Kurnool District

41 Kurva Ninganna, S/o Nagi Reddy
R/o Vagaruru (V) Mantralayam (M), Kurnool District

42 Kurva Lakshamma, W/o Late Kurva Thuikkanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

43 Kurva Anjinaiah, S/o Yellappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

44 Kurva Nallanna S/o K. Ayyanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

45 Kurva Pedda Madyani, S/o Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

46 Kurva Yellappa, S/o Seravappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

47 Sayadsha Jadh Khadri, S/o Shabdhudra Khadri
R/o Vagaruru (V) Mantralayam (M), Kurnool District
48 Sayad Pasha Khadri, S/o Shabuddul Khadri,
R/o Vagaruru (V) Mantralayam (M), Kurnool District

49 Kurva Thikkanna, S/o Kurva Rogeppa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

50 Kurva Yellappa, S/o Seravappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

51 Kurva Tayanna, S/o Bogodappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

52 Kurva Dastagiri, S/o Budda Ayyappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

53 Kurva Sugurappa, S/o Basappa

R/o Vagaruru (V) Mantralayam (M), Kurnool District

54 Katika Basu, S/o Mabu Sabh
R/o Vagaruru (V) Mantralayam (M), Kurnool District

55 Tavari Sankaranna, S/o Seravappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

56 Guranna, S/o Chapala Chinanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

57 Kurva Chinna Nagi Reddy, S/o Pedda Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

58 Kurva Pedda Nagi Reddy, S/o Pedda Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

59 Chinna Narasimhudu, S/o Chapala Bananna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

60 K. Kasim Vali, S/o Mabu Saheb
R/o Vagaruru (V) Mantralayam (M), Kurnool District

61 K. Akbar, S/o Mabusabh
R/o Vagaruru (V) Mantralayam (M), Kurnool District

62 Suragthalli, S/o Mabusabh
R/o Vagaruru (V) Mantralayam (M), Kurnool District

63 Kurva Thikkanna, S/o Busappa (Gamppaiah)
R/o Vagaruru (V) Mantralayam (M), Kurnool District

64 Chakala Veeresham, S/o Hanumanth
R/o Vagaruru (V) Mantralayam (M), Kurnool District

65 Kurva Kerranna, S/o Juttu Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

66 Kurva Dubbanna, S/o Juttu Mallaiah
R/o Vagaruru (V) Mantralayam (M), Kurnool District

67 Lakshmari Narasappa, S/o Eeranna,
R/o Vagaruru (V) Mantralayam (M), Kurnool District

68 Katika Mabu Hussaini, s/o Katika Mookanna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

69 Barki Eeranna, S/o Barki Naganna
R/o Vagaruru (V) Mantralayam (M), Kurnool District

70 Kurva Ningappa, S/o Bajarappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

71 Veeranagappa, S/o Nadipi Madhyani
R/o Vagaruru (V) Mantralayam (M), Kurnool District

72 Kurva Nadipi Madhyani, S/o Nagappa
R/o Vagaruru (V) Mantralayam (M), Kurnool District

73 Osman Basha, S/o Late Hussaini Basha
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

74 Khadar Sabh, S/o Modhin Sabh,
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

75 Kasimbi, W/o late R. Rajjabilli Sabh
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

76 Abvidhabi, W/o Hassan Ahmad Sabh
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

77 Sayad Harapi Pasha Khadri, s/o Hussain Peera Khadri
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

78 Mahiman Modin Sabh, S/o Alli Sabh,
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

79 Khadar Deshai, S/o Kashim Deshai
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

80 Mahaboob Pasha S/o Kashim Sabh
R/o Kambaladinne (V), Peddakadaburu (M) Kurnool district

..... PETITIONERS

AND

1 The District Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Mantralayam Mandal,
Kurnool District
4 The Government of A.P., rep. by its Secretary, Irrigation
Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, more particularly one in the nature of Writ of Mandamus to direct the respondents not to interfere with the possession and the enjoyment of the petitioners of their lands described in the Annexure-I without initiating proceedings under the Land Acquisition Act

Counsel for the Petitioners: MR.E.AYYAPU REDDY

Counsel for the Respondent No.4: GP FOR IRRIGATION & COMM AREA DEV.

Counsel for the Respondent Nos.1to3: GP FOR LAND ACQUISITION

The Court made the following ORDER:

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioners herein are small and marginal farmers of Vagaruru, Jalawadi and Kambaladinne villages of Mantralayam and Peddakadaburu Mandals, Kurnool District. They filed this writ petition *inter alia* seeking writ of mandamus directing the respondents not to interfere with their possession and enjoyment without initiating proceedings under the Land Acquisition Act (for short 'the Act')

In the counter-affidavit, filed on behalf of the respondents, it is stated that with regard to Jalawadi village 4(1) Notification has already been issued on 26.06.2004 and a publication was also given under Section 5(a) of the Act on 04.07.2004 in Vartha Daily News Paper. In respect of the other two villages viz., Vagarur and Kambaladinne 4(1) Notification and publication under Section 5(a) of the Act will be given in two or three weeks. Further the total amount required for the payment for the lands under three villages was Rs.2,68,000/- approximately, and an amount of Rs.1,59,000/- has already been deposited in the State Bank of India, Adoni.

Having regard to the statement made in the aforesaid counter-affidavit that with regard to one village 4(1) Notification has already issued in July 2004 and with regard to other two villages 4(1) Notification and final publication will be given in two

or three weeks, it is not necessary to go into the merits of the case.

Accordingly, the writ petition is dismissed. No costs.

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B.Prakash Rao, J

Date: 25.10.2004

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To

1 The District Collector, Kurnool, Kurnool District
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3 The Mandal Revenue Officer, Mantralayam Mandal, Kurnool District
4 The Secretary, Government of A.P., Irrigation Department, Secretariat, Hyderabad

5 Two CCs to G.P for Irrigation & Comm. Area Development, High Court of A.P. Buildings, Hyderabad(OUT).

6 Two CCs to G.P. for Land Acquisition, High Court of A.P.

Buildings, High Court of A.P. Buildings, Hyderabad (OUT)

7 Two CD Copies